

Message Text

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17

ACTION OES-04

INFO OCT-01 EA-06 ISO-00 AID-05 CEQ-01 CIAE-00 OFA-01

COME-00 DODE-00 EB-07 EPA-01 INR-07 IO-10 L-03 NSF-01

NSC-05 NSAE-00 PM-03 USIA-06 SS-15 SP-02 FEA-01

TRSE-00 OMB-01 XMB-02 /082 W
----- 100783

P 090303Z JUL 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 1427

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DEPT PASS TO COUNCIL ON ENVIRONMENTAL QUALITY AND
ENVIRONMENTAL PROTECTION AGENCY

E.O. 11652: N/A

TAGS: SENV JA US

SUBJ: DRAFT US-JAPAN AGREEMENT ON ENVIRONMENTAL PROTECTION

REF: (A) STATE 137854, (B) TOKYO 5185, (C) TOKYO 5396,
(C) TOKYO 9120

SUMMARY: FOLLOWING ARE EMBASSY COMMENTS ON LATEST GOJ DRAFT
OF PROPOSED ENVIRONMENT AGREEMENT, TRANSMITTED IN REFTEL (D)
END SUMMARY.

1. GREATEST DIFFERENCE BETWEEN LAST US VERSION (REFTEL A)
AND PRESENT GOJ DRAFT IS IN ARTICLE EIGHT. PHRASE "THE
AVAILABILITY OF APPROPRIATED FUNDS" CAUSES PROBLEMS FOR FONOFF
TREATIES BUREAU BECAUSE IT ADDS NOTHING TO TWO PHRASES
APPEARING JUST BEFORE AND AFTER IT. FONOFF'S STRONG
PREFERENCE IS FOR ARTICLE SIMILAR TO ARTICLE VIII OF ENERGY
R&D AGREEMENT, WHICH IS STANDARD WORDING FOR GOJ AGREEMENTS.
SINCE GOJ PROPOSAL FOR THIS ARTICLE IS ESSENTIALLY IDENTICAL
WITH ARTICLE US AND JAPAN HAVE ALREADY AGREED TO IN ENERGY
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R&D AGREEMENT, EMBASSY RECOMMENDS ITS ACCEPTANCE. EMBASSY

NOTES THAT STATE 276010 (12/17/74) PREVIOUSLY AUTHORIZED ACCEPTANCE OF AN ESSENTIALLY IDENTICAL ARTICLE (TOKYO 14982, 11/15/74, SEE TOKYO 15949, 12/6/74).

2. OTHER IMPORTANT DIFFERENCES APPEAR IN AGREED MINUTE. FIRST, FONOFF COULD FIND NO PRECEDENT FOR TERM "AGREED MINUTE" (SINGULAR MINUTE) BUT HAS NUMEROUS PRECEDENTS FOR "AGREED MINUTES." EMBASSY RECOMMENDS ACCEPTING TERM "AGREED MINUTES" OR PROPOSING ANOTHER APPROPRIATE TERM, SUCH AS "PROTOCOL."

3. FONOFF ACCEPTS US SUGGESTION THAT "AGREEMENT" AND "AGREED" REPLACE "UNDERSTANDING" AND "UNDERSTOOD" IN AGREED MINUTES. THIS WAS CONSIDERED IMPORTANT CONCESSION BY JAPANESE.

4. FONOFF AGREED THAT AGREED MINUTES (SIC) SHOULD BE SIGNED (AND PRESUMABLY PUBLISHED) AT THE SAME TIME AS MAIN TEXT OF AGREEMENT.

5. REMAINING CHANGES IN TEXT ARE MINOR ALTERATIONS OF SPELLING AND PUNCTUATION. COMMAS HAVE BEEN ADDED FOR CLARITY IN ARTICLE ONE, AFTER "RECIPROCITY" AND THROUGHOUT AGREEMENT IN SIMILAR SERIES OF NOUNS OR VERBS (SEE ARTICLE ONE, D, AFTER "REGULATIONS"). LOWER CASE LETTERS ARE TO BE USED FOR ALL WORDS AFTER "COMPRISE" IN SECTION (A), ARTICLE THREE, AND FOR "CONCERNING" AND "IMPLEMENTING RECOMMENDATION" IN AGREED MINUTES (ALTHOUGH "GUIDING PRINCIPLE" IMMEDIATELY PRECEDING LATTER SHOULD BE CAPITALIZED). NOTE "PESTICIDE CONTROL" AND "STUDIES ON," ALSO IN ARTICLE 3, WHICH WERE PROPOSED TO IMPROVE LANGUAGE OF AGREEMENT.

6. EMBASSY SUGGESTS "PARTY" SHOULD REPLACE "PARTIES" IN ARTICLE FIVE.

7. FONOFF IS STUDYING OCCASION FOR SIGNING OF AGREEMENT AND WILL TRY TO PREPARE TESTS IN BOTH JAPANESE AND ENGLISH FOR APPROVAL BY CABINET AT ITS REGULAR MEETING JULY 29. THIS MEANS JAPANESE TEXT MUST BE AGREED TO BY JULY 22, ONE WEEK IN ADVANCE. ASSUMING THAT ENGLISH TEXT IS SPEEDILY AGREED ON, FONOFF EXPECTS JAPANESE TEXT TO BE READY ON JULY 15-16.

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8. EMBASSY HOPES THAT IMMEDIATE AGREEMENT CAN BE REACHED ON POINTS RAISED ABOVE CONCERNING ENGLISH TEXT, SO THAT JAPANESE TEXT CAN BE PREPARED BY JULY 16. EMBASSY BELIEVES THAT TRANSMITTAL OF JAPANESE TEXT OF AGREEMENT TO WASHINGTON IS NECESSARY BECAUSE EMBASSY DOES NOT HAVE OFFICERS QUALIFIED TO CONFORM JAPANESE TEXT TO ENGLISH VERSION. EMBASSY UNDERSTANDS DEPARTMENT CONFIRMATION OF IDENTITY OF JAPANESE AND ENGLISH TEXTS

TAKES ABOUT ONE WEEK, MAKING TIME BEFORE JULY 22 VERY SHORT.
EMBASSY WILL TRY TO HAVE JAPANESE TEST HAND-CARRIED TO
WASHINGTON; OTHERWISE, ADDITIONAL TIME WILL BE LOST BY USE OF
AIR POUCH.

9. PLEASE ADVISE.
HODGSON

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